

Eleventh Judicial Circuit Domestic Violence Division Enhanced Judicial Review Calendar Protocol and Procedure

DOMESTIC VIOLENCE DIVISION ENHANCED JUDICIAL REVIEW

Community Need

In acknowledgment that there is a high correlation between incidences of domestic violence and substance abuse, the commencement of a specialized Enhanced Judicial Review Calendar (EJRC) in the Domestic Violence Court of the Eleventh Judicial Circuit places emphasis on the institutionalization of policy and procedures which hold substance involved batterers accountable for their actions, implements close monitoring to ensure they are in compliance with all court conditions, and swift and certain consequences if there is a failure to comply accordingly. State certified and court approved batterers' intervention program treatment providers are qualified to concurrently provide substance abuse treatment and batterers intervention at the same agency.

The Advocate Program, the assessment and monitoring agency that provides reports from the batterers intervention program/substance abuse/mental health agencies to the Court, attends the EJRCs and reports on the status of each case to the Court. The Advocate Program plays an integral role in the EJRC procedure and processes by being the Court's probation agency as well as by the "gate keeping" functions it conducts by being the central intake and assessment agency from all the civil injunction and criminal Domestic Violence cases. Also, the Advocate Program provides monitoring functions, including reports and staffing of all EJRCs and Civil Contempt calendars to report on the status of these cases

The Court's overall goal is to reduce the incidences of domestic violence as domestic violence is both a crime and a serious family matter. The underlying principle is to monitor and treat substance involved batterers through the use of specialized court calendars in the Domestic Violence Court so as to treat the litigants/participants systematically and fairly, providing early intervention and risk management at its early stages, in order to prevent violence from repeating or escalating to serious injury or death.

Program Goals

The primary goal of the Domestic Violence Court's EJRC is to hold the litigants/participants accountable for their actions, provide close monitoring to ensure substance abusing batterers are in compliance with all court conditions, and provide immediate and certain consequences if there is a failure to comply accordingly while also promoting victim and child safety as a paramount concern.

Enhanced Judicial Review Calendar Hearing Schedule

Participants are monitored in the program for up to one year. Adjustments may be made in program duration as needed and as jurisdiction permits. Litigants/participants must attend regularly scheduled court review hearings. The frequency of court appearances is determined at program commencement and may be modified depending on progress.

Enhanced Judicial Review Calendar Sessions

Reviews will be held one morning each week. The sessions are limited to approximately 25 litigants/participants. The progress of each participant is discussed in front of all participants. The participants are encouraged to engage in discussions with the Judge. Compliance or non-compliance with program requirement results in the application of positive or negative consequences. Those that are not in compliance are admonished and given appropriate sanctions according to the severity and recidivity of the noncompliant act.

Reporting to Enhanced Judicial Review Calendars

The Advocate Program provides case plan progress reports continuously throughout the duration of the program (presented at the weekly, bimonthly and monthly court sessions). The progress reports include a written report on substance abuse treatment activities, program attendance, toxicology test results and recommendations for future action. The reports also summarize the number of contacts between the client and the providers. A representative from the Advocate Program will be present in person to address the court.

COMPLIANCE AND CONSEQUENCES

Range of Reinforcements and Sanctions

At each court hearing participants are subject to a range of sanctions or reinforcements based on their program compliance for the report period. The table below summarizes potential compliant and non-compliant behaviors and the corresponding reinforcements and sanctions.

ACHIEVEMENTS	POTENTIAL REINFORCEMENTS
<ul style="list-style-type: none">* Attending Court Appearances* Negative Urinalysis Results* Attendance/Participation in Treatment* Attendance/Participation in AA/NA meetings* Compliance with Treatment Plan* Zero Alcohol/Drug use	<ul style="list-style-type: none">* Acknowledgment by Judge* Decreased Court Appearances* Decreased Urinalysis Testing* Phase Advancement
INFRACTIONS	POTENTIAL SANCTIONS
<ul style="list-style-type: none">* Violation of Order* Dishonest Statement* Failure to Perform Sanctions* Failure to Comply* Establishment of Abuse* Violation of SAO* Leaving Treatment* Treatment Non-Attendance* Treatment Termination for Infractions* Positive Urinalysis* Missed Urinalysis* Tampering with Urine	<ul style="list-style-type: none">* Reprimand from Court* Increased Court Appearances* Speech* Community Service Hours* Phase Demotion* Increased Urinalysis Monitoring* Increased Intensity in Treatment Program* Jail (weekends or straight time)

Sanctions Schedule

The Judge assigns the reinforcement or sanction based upon the level of compliance or non-compliance. More severe behaviors receive more severe sanctions. Non-compliance warrants consideration for program discharge after appropriate engagement attempts have been made. All non-compliant events should be addressed and a sanction should be applied in order to reinforce the client's belief in natural consequences which enhance the effect of the behavior modification system.

*All Domestic Violence abuse sanctions, violations of the Stay Away Order, etc., shall be dealt with on the criminal violation of probation calendar.

Eleventh Judicial Circuit Domestic Violence Enhanced Judicial Review Calendar Case Setting Procedure

In criminal misdemeanor Domestic Violence cases where a Defendant is ordered to treatment and placed on the Enhanced Judicial Review Calendar (EJRC), the cases will be identified and set for non-compliance as follows:

- 1) The State Attorney's Office (SAO) will identify the EJRC eligible cases as follows:
 - a) Prior to offering a plea, as EJRC will be a specific requirement of the Defendant's probation.
 - b) Prior to Probation Violation hearings for cases that have already closed out to probation, but where the Defendants have violated and they qualify based on criminal history, information from Victims (etc.), and/or information from the probation officers/case managers.
 - c) If a PTD Defendant tests positive, the State Attorney's Office will not send that case to EJRC. Instead, Advocate will file a PTD Revoke and the Defendant will be sent back to court for Arraignment. The SAO will then decide whether to re-enroll the Defendant to PTD with mandatory substance abuse (if not already a condition) or to offer the Defendants probation with EJRC as a specific condition.
- 2) The State Attorney's Office (SAO) will offer pleas to Defendants for monitoring through the Enhanced Judicial Review Calendar (EJRC).
- 3) The Advocate Program shall monitor the Defendants compliance with the Court's orders. In the event of non-compliance, the Advocate Program shall notify the Defendant that the Defendant shall appear before the Court at the next EJRC calendar and send notice by the end of business that same day to the Court regarding the Defendant's failure to comply with the Court order.
- 4) In addition to notifying the Court of non-compliance, the Advocate Program will file a "Request for Motion" form with the Clerk of Court in writing by facsimile to request that a case be set on the next available Enhanced Judicial Review Calendar.
- 5) The Clerk of the Courts shall docket the Request for Motion filed by the Advocate Program on a daily basis.
- 6) The Advocate Program will provide both the State Attorney and the Public Defender's Office with the Affidavits of Violation and attachment, if any.
- 7) The Advocate Program shall send notice of added cases to the State Attorney's Judicial Review Calendar Secretary.

- 8) The Clerk of Courts shall set these cases before Judge Figarola on the Thursday morning Enhanced Judicial Review Calendar. No more than 20 (twenty) EJRC cases shall be set on this calendar by the Clerk of Court unless first approved by Judge Figarola.